

Feb-10-04 18:08

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T-861 P.01/06 F-282

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DATE: February 10, 2004

PTO IDENTIFIER: Application Number 09/777317-Conf. #3698
Patent Number

Inventor: Hermann Bujard et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (703) 872-9306

FROM: LAHIVE & COCKFIELD, LLP

DeAnn F. Smith

PHONE: (617) 227-7400

Attorney Dkt. #: BBI-013C3CN3

PAGES (Including Cover Sheet): 6

CONTENTS:

Certificate of Transmission under 37 CFR 1.8 (1 page);
Transmittal (1 page);
Petition to Correct Inventorship Pursuant to 37 C.F.R. 1.48(b) (1 page); and
Fee Transmittal (1 page - in duplicate);
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T-861 P.02/06 F-282

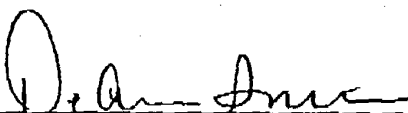
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Certificate of Transmission under 37 CFR 1.8 (1 page);
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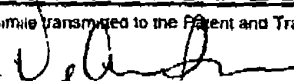
TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/777317-Conf. #3698
	Filing Date	February 5, 2001
	First Named Inventor	Hermann Bujard
	Art Unit	1632
	Examiner Name	R. Shukla
Total Number of Pages in This Submission	Attorney Docket Number	BBI-013C3CN3

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	LAHIVE & COCKFIELD, LLP DeAnn E. Smith - 36,683
Signature	
Date	February 10, 2004

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Dated February 10, 2004	Signature:  (DeAnn F. Smith)

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T-861 P.04/08 F-292

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FEB 10 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Hermann Bujard *et al.*

Serial No.: 09/777,317

Filed: February 5, 2001

For: *Tetracycline-Regulated Transcriptional Activation
Fusion Proteins*

Attorney Docket No.: BBI-013C3CN3

Group Art Unit: 1632

Examiner: R. Shukla

OFFICIAL

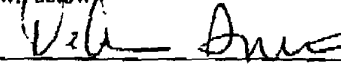
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.48(b)

In accordance with 37 C.F.R. 1.48(b), Applicant hereby amends inventorship of the above-mentioned application to remove Jochen G. Salfeld and Jeffrey W. Voss as inventors. Upon the cancellation of claims to a non-elected invention (claims 1-17 contained in non-elected Groups I and II of the Restriction Requirement mailed on October 3, 2002 (Paper No.8)), the inventorship is amended in compliance with 37 C.F.R. 1.48(b) as inventors Jochen G. Salfeld and Jeffrey W. Voss are not inventors of at least one claim remaining in the application. Accordingly, Applicant respectfully requests that inventors Jochen G. Salfeld and Jeffrey W. Voss be removed from the above-identified application.

Please charge our Deposit Account No. 12-0080 in the amount of 130.00 under 37 C.F.R. 1.17(i). Please charge any underpayments or credit any overpayments to our Deposit Account No. 12-0080.

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DeAnn F. Smith, Esq. Reg. No. 36,683

February 10, 2004
Date

Respectfully submitted,



DeAnn F. Smith, Esq.
Registration No. 36,683
Attorney for Applicants


LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
Tel. (617) 227-7400

Dated: February 10, 2004

PTO/SB/17 (10-03)

Approved for use through 7/31/2006 OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004		<i>Complete if Known</i>																																																																																																																																																																																			
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ADDITIONAL FEES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or claim</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for oral examination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td>130.00</td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1808</td><td>180</td><td>1808</td><td>180</td><td>Suppression of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - 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SUBMITTED BY Name (Print/Type): DeAnn R. Smith Signature: 		(Complete if applicable) Registration No. (Attorney/Agent): 36,683 Telephone: (617) 227-7400 Date: February 10, 2004																																																																																																																																																																																			

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Dated: February 10, 2004

Signature: 

(DeAnn F. Smith)

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FEE TRANSMITTAL for FY 2004				Complete if Known																																																																																																																																																															
<small>Effective 10/01/2003, Patent fees are subject to annual revision</small>				Application Number 09/777317-Conf. #3698																																																																																																																																																															
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27				Filing Date February 5, 2001																																																																																																																																																															
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Dated, February 10, 2004

Signature: *DeAnn F. Smith* (DeAnn F. Smith)